



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/213,581	12/17/98	LYS	I CKC-012.07

CHARLES H CELLA
PATENT GROUP
FOLEY HOAG & ELIOT
ONE POST OFFICE SQUARE
BOSTON MA 02109-2170

MMC1/0412

EXAMINER

LEE, W

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 04/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/213,581

Applicant(s)

Lys et al.

Examiner

Wilson Lee

Group Art Unit

2821

☒ Responsive to communication(s) filed on Dec 17, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-50 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-50 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Dec 17, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2821

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sensor, receiver, transmitter of claims 46 and 48 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 41, 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 41 and 42, applicants claim their invention as a method. However, according to the detail of the claims, claims 41 and 42 are mere device claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2821

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Phares(5,420,482) cited by applicant in IDS.

Regarding Claims 1-40, Phares discloses a microcontroller(60) as a processor for controlling the amount of electrical current supplied to the LED system(48R, 48B, 48G) which generate light of a range of colors(e.g. red, green, blue) to illuminate the object.

Phares, as discussed above, essentially discloses the claimed invention but fails to explicitly disclose the specific usage as claimed such as positioning the system to affect an aquarium, illuminating the floor, affect an informational board, etc. However, it would have been obvious to one of ordinary skill in the art to use Phares' invention to illuminate any object in order to provide brightness to the observer on the object. Since Phares fails to limit the choice of all kind of usage, the implementation of such specific usage is not restricted.

Regarding Claims 41, 42, 43 and 44, in best understood, Phares discloses the lighting system comprising a driver(94R, 94B or 94G) as a current sink coupled to the LED(48R, 48B or 48G) (See Figure 4 of Phares) having an input responsive to an activation signal from the control(40); transmitter(64) as an addressable controller having a Logic Control network(76) for providing alterable address, the controller coupled to the input and having Pulse Generator(80) as a signal generator for generating the activation signal for a predefined portion of a timing cycle(See Col. 3, lines 18-26 of Phares); the addressable controller further comprising an internal

Art Unit: 2821

shift register means as a receiver for receiving data corresponding to the alterable address(See Col. 3, lines 57-60 of Phares) and indicative of the predefined portion of the timing cycle(See Figure 1 and Col. 4, lines 4-23 of Phares).

Phares, as discussed above, essentially discloses the claimed invention but fails to explicitly disclose the specific usage as claimed such as positioning the system to illuminate a non-opaque container, or vending machine. However, it would have been obvious to one of ordinary skill in the art to use Phares' invention to illuminate any desired object in order to provide brightness to the observer from the object. Since Phares fails to limit the choice of all kind of usages, the implementation of a such specific usage is not restricted.

6. Claims 45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch(5,912,653).

Fitch discloses an LCD system controlled by microprocessor(22) mounted on a clothing means(10), comprising a sensor or receiver(68) that is capable of recording and replaying data, and displaying video or programmable image(See Figure 6 and Col. 3, lines 17-39).

Fitch fails to show an LED system however, it would have been obvious to one of ordinary skill in the art to use LED system instead of LCD system in Fitch's invention in order to reduce the cost of the product.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chliwnyj et al.(5,924,784) discloses an electronic lighting device that simulate a

Art Unit: 2821

realistic flame. Guritz(5,575,554) discloses an optical display device for use with wearing apparel for illumination.


Correspondence

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (703) 306-3426.

9. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

10. Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

WL
April 3, 2000


Don Wong
Supervisory Patent Examiner
Technology Center 2800